

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIFTEENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 8265 of 2005

Between:

P.Raja Reddy, S/o. P.Thimmaiah,
Beerepally Village, Hindupur Mandal, Anantapur District.

... PETITIONER

AND

- 1 The District Collector, Anantapur.
- 2 The Joint Collector, Anantapur.
- 3 The R.D.O., Penukonda, Anantapur District.
- 4 The M.R.O., Hindupur Mandal, Anantapur District.
- 5 Golla Ramakrishna S/o. Golla Kondanna,
Beerepally Village, Hindupur Mandal, Anantapur District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order, direction or writ more particularly one in the nature of writ of Mandamus declaring the order of the 1st & 2nd respondent in refusing to grant stay pending disposal of the appeal before the 2nd respondent as illegal and consequently grant stay of the order of the 3rd respondent passed in Rc.No.1613/2004-E dt.24.02.2005 pending disposal of the appeal before the 2nd respondent and pass such other or further orders.

Counsel for the Petitioner: MR.O.MANOHER REDDY

Counsel for the Respondents 1 to 4: GP FOR CIVIL SUPPLIES

Counsel for the Respondent No.5: MR P. NARAHARI BABU

The Court at the admission stage made the following order:

ORDER:

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Petitioner questions the order of the Revenue Divisional Officer, Penukonda, Anantapur, dated 24.02.2005 in holding that the petitioner is not entitled to continue as Fair Price Dealer subsequent to his appointment as Branch Post Master. Earlier his fair price dealership was cancelled by order dated 04.10.2004 which was questioned before the Joint Collector and the Joint Collector by order dated 25.12.2004 remitted the matter to the Revenue Divisional Officer, Penukonda for fresh consideration. After fresh consideration of the matter the earlier order was confirmed.

Aggrieved thereby the petitioner filed an appeal before the Joint Collector, Anantapur. The Joint Collector while admitting the appeal dismissed the stay application against which a revision petition was filed, which was also dismissed by order dated 15.03.2005.

Learned counsel for the petitioner submits that the appointment of the petitioner as Branch Post Master is not a disqualification. Therefore, the cancellation of the petitioner's fair price shop dealership is illegal and unsustainable.

When the appeal is pending before the Joint Collector, I am of the view that it is not just and proper to express any opinion as alternative arrangements have made by temporarily appointing the fifth respondent as fair price dealer, who is distributing the essential commodities.

Therefore, I am not inclined to grant the relief sought for by the petitioner and the writ petition is accordingly dismissed directing the appellate authority i.e., the Joint Collector and District Magistrate to consider and dispose of the appeal filed by the petitioner after giving him reasonable opportunity, within four weeks from the date of receipt of this order. No costs.

V. ESWARAI AH, J

April 15, 2005

Dsk

To

- 1 The District Collector, Anantapur.
- 2 The Joint Collector, Anantapur.
- 3 The R.D.O., Penukonda, Anantapur District.
- 4 The M.R.O., Hindupur Mandal, Anantapur District.
- 5 Two CCs to GP For Civil Supplies, High Court Buildings, Hyderabad (OUT)

Two CD Copies.